

**UNCONTESTED CIVIL UNION DIVORCE (W/CHILDREN)
 DOCUMENT CHECKLIST**

This is just a checklist. For instruction on how to fill out and file the documents, please refer to the INSTRUCTIONS that accompany this checklist. In this checklist, “You” are the Plaintiff, and your “Spouse” is the Defendant.

A. FIRST: File these at the Legal Documents Branch of the Circuit Court:

Take these documents to the Legal Documents Branch of the Second Circuit Court (Hoapili Hale, 2145 Main Street, Wailuku) Room 106.

	Name of Document	Copies	Signed by	Comments
[]	COMPLAINT FOR CIVIL UNION DIVORCE; AUTOMATIC RESTRAINING ORDER; SUMMONS TO ANSWER COMPLAINT FOR CIVIL UNION DIVORCE	Original + 2	You	Filing this starts the divorce process. The Court Clerk will assign a case number. Fill in this number on the other documents that you will file later.
[]	CIVIL UNION DIVORCE ACTION (C U D A) INFORMATION	Original + 1	You	
[]	KIDS FIRST INFORMATION SHEET	Original + 1 Original + 1		Staple both pink copies behind each copy of the <i>Complaint for Civil Union Divorce</i> along with the <i>Automatic Restraining Order and Summons</i> before you take them to be filed. (Note: One pink form pertains to you and the other to your spouse).
[]	INCOME AND EXPENSE STATEMENT OF PLAINTIFF	Original + 1	You	Must be dated 60 days current of the date your case is placed on the calendar.
[]	ASSET AND DEBT STATEMENT OF PLAINTIFF	Original + 1	You	Must be dated 60 days current of the date your case is placed on the calendar.

If your spouse will not sign an *Appearance and Waiver*, you must properly serve the *Complaint for Civil Union Divorce, Summons to Answer Complaint for Civil Union Divorce and Automatic Restraining Order* on your spouse and file one of the following:

	Name of Document	Copies	Signed by	Comments
[]	PROOF OF SERVICE OR	Original		This document must be completed by the person who delivers the <i>Complaint for Civil Union Divorce; Automatic Restraining Order and Summons to Answer Complaint for Civil Union Divorce</i> to your spouse. It cannot be stamped by the Court Clerk until the person who served the documents fills it out completely.
[]	MOTION FOR SERVICE BY MAIL AND AFFIDAVIT; ORDER FOR SERVICE BY MAIL	Original	You	If your spouse lives out-of-state, you can send the <i>Complaint for Civil Union Divorce; Automatic Restraining Order and Summons to Answer Complaint for Civil Union Divorce</i> by certified, registered mail, return receipt requested. This form asks the Court's permission for you to do so. You must sign this document before a notary public.

B. NEXT: Fill in the Case Number and file at the Legal Documents Branch:

	Name of Document	Copies	Signed by	Comments
[]	INCOME AND EXPENSE STATEMENT OF DEFENDANT	Original	Spouse	If your spouse did not complete this form, you must write a letter to the Judge indicating that the Defendant refused to complete it and file it along with the <i>Affidavit of Plaintiff and Request for a Non-Hearing Uncontested Civil Union Divorce</i>
[]	ASSET AND DEBT STATEMENT OF DEFENDANT	Original	Spouse	If your spouse did not complete this form, you must write a letter to the Judge indicating that the Defendant refused to complete it and file it along with the <i>Affidavit of Plaintiff and Request for a Non-Hearing Uncontested Civil Union Divorce</i>
[]	APPEARANCE AND WAIVER OR	Original	Spouse	This document must be signed before a notary public. Your spouse must receive a file-stamped copy of the <i>Complaint for Civil Union Divorce; Automatic Restraining Order and Summons to Answer Complaint for Civil Union Divorce</i> , and signed a completed <i>Divorce Decree</i> before your spouse can sign this document.
[]	PROOF OF SERVICE OR	Original	Process Server	If the <i>Complaint for Civil Union Divorce, Automatic Restraining Order and Summons to Answer Complaint for Civil Union Divorce</i> were delivered to your spouse by someone (for instance, a process server), the person who delivered the document must fill this out and sign it before you can have it file-stamped.
[]	STATEMENT OF MAILING	Original	You	If you served the <i>Motion for Service by Mail and Affidavit; Order for Service by Mail, Complaint for Civil Union Divorce, Automatic Restraining Order and Summons to Answer Complaint for Civil Union Divorce</i> on your spouse by mail; complete this document when you receive the return receipt .

C. LAST : Fill out the following *after* (1) your spouse has signed the *Appearance and Waiver*, OR (2) 20 days have passed since your spouse was served and you have not received an answer:

	Name of Document	Copies	Signed by	Comments
[]	AFFIDAVIT OF PLAINTIFF (FOR UNCONTESTED CIVIL UNION DIVORCE)	Original	You	This document is a sworn statement that you must sign before a notary public. It requires that you provide various information and dates. Do NOT complete this document until the other documents have been completed.
[]	REQUEST FOR NON-HEARING UNCONTESTED CIVIL UNION DIVORCE	Original	You	This document requests that your divorce be granted without a court hearing.
[]	CHILD SUPPORT GUIDELINES WORKSHEET	Original	You and Spouse	This document determines the amount of child support to be paid by the non-custodial parent to the custodial parent.
[]	ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT with PROPOSED COVER SHEET	Original	Judge	This document directs the obligor's (person paying child support) employer to pay to Child Support Enforcement Agency the amount of child support owed.
[]	DIVORCE DECREE with PROPOSED COVER SHEET	Original	You and Spouse	Your spouse's signature IS required if you are getting a divorce by agreement (AND your spouse has signed an <i>Appearance and Waiver</i>). Your spouse's signature is not required if you are getting a divorce by default.

It takes approximately two (2) weeks for the Judge to review and sign your documents. Your divorce becomes final when the Judge signs and files the *Divorce Decree*. See instructions on how to receive your certified copy.